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SECRECY IS SOUGHT IN ANALYST'S TRIAL

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WASHINGTON, Sept. 12 — The Justice Department has asked a Federal judge to keep secret some of the evidence to be presented at the trial of a Navy analyst who is accused of illegally passing classified photographs to a British publication.

In a motion that was filed in secret, or under seal, prosecutors asked for permission to remove markings that showed the United States might have shared the photographs with other nations' intelligence services. The prosecution also asked for permission to introduce classified documents or photographs as evidence that would be shown to lawyers, the judge and jury but would not become part of the public record.

The Naval analyst, Samuel Loring Morison, is charged with espionage and theft of Government property and is scheduled to go on trial next month in Federal District Court in Baltimore. The case is only the second time the Government has used the espionage laws to prosecute an official or former official for disclosing classified information to the press.

Document Sent to Lawyers

A copy of the motion was delivered to Mr. Morison's lawyers last week. The copy was not marked as being under seal and has circulated among lawyers in Washington, according to some who have seen it. Court procedures allow for the filing of court documents under seal. Sometimes these are later made public, and sometimes they are kept sealed indefinitely.

Michael Schatzow, the Assistant United States Attorney prosecuting the case, said a motion on classified information had been filed in the case, but he said he could not discuss the motion because it was under seal. Mr. Schatzow also declined to say whether Judge Joseph H. Young had approved the motion.

The markings on the photograph, according to the motion, said, "Rel to UK and CA." Sources familiar with American intelligence procedures said this was shorthand for "Releasable to the United Kingdom and Canada."

Revelation Is Called Sensitive

"Whether the United States does or does not share photographs with certain foreign governments is irrelevant to any issue at trial," the motion said. "Because including the marking would result in the revelation of sensitive national security information which is irrelevant and unnecessary to this case, it should be excised."

Jeffrey Richelson, a professor at American University and an adviser to Mr. Morison's defense team, said that the main reason for keeping such markings secret was that it would cause other intelligence services to apply pressure for similar access to American satellite photography. He said "it's no big secret" that the United States shared intelligence information with its allies.

Mr. Morison is being defended by Mark Lynch, a staff attorney with the Washington office of the American Civil Liberties Union, and Robert Muse, a Washington attorney.

Allan Adler, counsel to the Washington office of the American Civil Liberties Union, contended in response to questions that the Government did not have the right to keep entire documents from public view if they are being used as evidence.

Act on Information Is Cited

Mr. Adler said that the Classified Information Procedures Act set up a procedure under which prosecutors can submit edited or summarized versions of evidence. These should be available to the public, he said.

He said that if the Government prevailed, Mr. Morison's constitutional right to a public trial under the Sixth Amendment would be violated. Additionally, the First Amendment rights of the press to report on the proceedings would also be threatened, Mr. Adler said. "This means the press may not be able to cover in any detail the key issue of this case," he said.

In its motion, the Government said that the procedure for protecting classified information had previously been used in the case involving William Kampiles, a former official convicted of selling a satellite manual to the Soviet Union. The motion said that an edited version of the manual was introduced into evidence and its contents were never disclosed to the public.

"No implication of the defendant's rights are involved," the motion said, "because the defendant, his counsel and the jury, will see all documents admitted into evidence."

In its indictment of Mr. Morison, the Government charged that he passed three photographs of a Soviet aircraft carrier under construction to Jane's Defense Weekly. The photographs were reprinted in various American newspapers, including the National Edition of The New York Times and The Washington Post.

Last month at the nonjury espionage trial of Arthur James Walker, prosecutors did not make public two sets of classified documents used as evidence. They were shown to the judge and defense lawyers and then filed with the court security officer. Mr. Walker was found guilty and is awaiting sentencing.